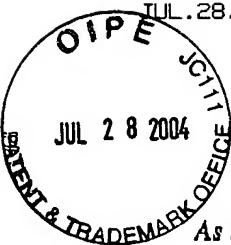


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PEPPER HAMILTON LLP

NO. 221 P. 6

PATENT



## DECLARATION AND POWER OF ATTORNEY

*As below named inventor(s), each person signing this document hereby declare(s) that:*

My residence, post office and citizenship are as stated below next to my name,

Wayne H. Kaesemeyer, 1021 15<sup>th</sup> Street, Augusta, GA 30901, United States.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled CONTROLLED RELEASE ARGININE FORMULATIONS, the specification of which [ ] is attached hereto OR [ x ] was filed on 10/24/2002, as Application Serial No. 10/258,633.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s):

## Priority Claimed

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Yes</u>	<u>No</u>
PCT/US01/20887	U.S.	June 28, 2001	X	

I hereby claim the benefit under 35 USC Section 119(e) of any United States provisional application(s) listed below.

## Prior Provisional Application(s):

<u>Number</u>	<u>Date Filed</u>
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

## Prior U.S. Application(s):

<u>Number</u>	<u>Date Filed</u>	<u>Status: Patented, Pending, Abandoned</u>
09/605,599	June 28, 2000	Abandoned

## PATENT

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned hereby grant(s) the firm of **PEPPER HAMILTON LLP** the power to insert on this Declaration any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

I hereby appoint the following attorneys and/or agents:

Raymond A. Miller	Reg. No. 42,891	Joseph Melnik	Reg. No. 48,741
James M. Singer	Reg. No. 45,111	John W. Ongman	Reg. No. 48,535
Kathleen Johnson	Reg. No.: 51,852	John Pillion	Reg. No. 52,122

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21269

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Citizenship: United States

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### RELATED APPLICATION DATA

- 5           This application is a continuation-in-part application of U.S. Serial No. 09/239,392 filed April 16, 1999 which is a continuation-in-part application of U.S. Serial No. 09/226,580 filed January 7, 1999, which is a continuation-in-part application of U.S. Serial No. 09/833,842 filed April 10, 1997, now U.S. Patent No. 5,968,983 dated October 19, 1999 which is a continuation-in-part application of U.S. Serial No. 08/693,882 filed August 5, 1996, now U.S. Patent No. 5,767,160 dated August 6, 1996, which is a continuation-in-part application of U.S. Serial No. 08/321,051 filed October 5, 1994, now U.S. Patent No. 5,543,430 dated June 16, 1998.
- 10

### BACKGROUND OF THE INVENTION

- 15           A family of enzymes generically referred to as Nitric Oxide Synthase ("NOS") is responsible for forming to form nitric oxide from L-arginine. The nitric oxide produced is at least partially responsible for the endothelium dependent relaxation and activation of soluble guanylate cyclase, neurotransmission in the central and peripheral nervous systems, and activated macrophage cytotoxicity.

- 20           Nitric Oxide Synthase, occurs in many distinct isoforms which include a constitutive form (cNOS) and an inducible form (iNOS). The constitutive form is present in normal endothelial cells, neurons and some other tissues. Formation of nitric oxide by the constitutive form in endothelial cells is thought to play an important role in normal blood pressure regulation, prevention of endothelial dysfunction such as hyperlipodemia, arteriosclerosis, thrombosis, and restenosis. The inducible form of nitric oxide synthase has
- 25

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